

Moldova

The Government of Moldova passed the National Action Plan on the Prevention and Elimination of the Worst Forms of Child Labor for 2011-2015. However, children continue to be engaged in the worst forms of child labor in agriculture and on the streets. There are no programs to address worst forms of child labor in these sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	30.1*
Attending School	5-14 yrs.	82.2
Combining Work and School	7-14 yrs.	Unavailable

* Population of working children: 214,286



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Moldova are engaged in the worst forms of child labor including in agriculture and on the streets.³⁸⁵⁸ A 2009-2010 Moldovan National Child Labor Survey estimated that 109,000 children were engaged in dangerous child labor, mostly in family businesses and on farms.³⁸⁵⁹ A 2007 ILO report noted that two-thirds of rural children had worked on farms by age 14, although it was not known how many of them were engaged in the worst forms of child labor. Reports indicate that school directors, farms and agricultural cooperatives signed contracts that required students to help with the harvest during the high season in autumn.³⁸⁶⁰ Children's work in agriculture may involve using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.

Children work on the streets in Moldova.³⁸⁶¹ Children working on the streets may be exposed to many dangers including severe weather, vehicle accidents and criminal elements.

Moldovan children are trafficked abroad and within the country for commercial sexual exploitation and forced labor.³⁸⁶²

In 2006 UNICEF reported that the migration of adults in search of work has left approximately 40,000 children without either parent.³⁸⁶³ These children often lack adult supervision and are at greater risk of trafficking, forced labor and sexual exploitation.³⁸⁶⁴

Laws and Regulations on the Worst Forms of Child Labor

Article 46 of the Labor Code sets the minimum age for employment at 16.³⁸⁶⁵ In certain cases, children age 15 can work with parental or legal authorization if the work will not interfere with their education, health or development.³⁸⁶⁶ Government Decision No. 562 approved a list of 32 jobs prohibited to persons younger than age 18.³⁸⁶⁷ There are no legal protections for children involved in street work.

The Constitution forbids forced labor and the exploitation of minors.³⁸⁶⁸ Article 206 of the Criminal Code prohibits trafficking in children for labor and sexual exploitation and lays out penalties for the use of children in illicit activities, forced labor, prostitution and the creation of pornography.³⁸⁶⁹ Article 6 of the Law on Child Rights also prohibits these activities as well as child soldiering.³⁸⁷⁰ The military recruitment age

is 18.³⁸⁷¹ The Law on Preventing and Combating Trafficking in Human Beings provides guidelines for combating child trafficking including prevention, victim assistance and repatriation for child victims.³⁸⁷²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

The legal framework also includes several other laws that address child labor. These laws include the Law on Labor Force Migration which ensures protection and care of children left behind by migrant parents; a Law on Occupational Safety and Health which names children of working age as individuals in need of specific protections in the workplace; and the Code of Contraventions which establishes fines for those violating a child's rights.³⁸⁷³

Education is free and compulsory through age 16.³⁸⁷⁴ The law also requires children to have access to education in their native language.³⁸⁷⁵ Many schools are not adequately funded, and parents are charged for school supplies and text books. Roma children are particularly vulnerable to barriers in accessing education due to poverty, and some Roma children are denied access to education in their native language.³⁸⁷⁶

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee on the Elimination of Child Labor coordinates all child labor issues and is chaired by the Deputy Minister of Labor, Social Protection and Family. It includes representatives from the Government, workers' organizations, NGOs and academia.³⁸⁷⁷

The National Committee for Combating Trafficking in Persons coordinates government efforts to combat human trafficking including child trafficking. Parliament also appoints an ombudsperson who specializes in child protection.³⁸⁷⁸ The ombudsperson ensures that the interests of children are given consideration by central and local public authorities.³⁸⁷⁹

The Labor Inspection Office (LIO) is the division within the Ministry of Labor, Family and Social Protection that is responsible for enforcing all labor laws in the Republic of Moldova. Within the LIO, the Child Labor Monitoring Unit enforces child labor laws.³⁸⁸⁰ In the first nine months of 2010, labor inspectors participated in four training activities on child labor including a 1-day Global Child Labor Conference.³⁸⁸¹

The law permits child labor inspections for both legally registered workplaces and individual persons, thus covering informal worksites. Inspectors are also allowed to seek assistance from local public administrators to suspend licenses of employers who repeatedly neglect labor inspection recommendations.³⁸⁸² In 2010, the LIO uncovered 440 child labor violations.³⁸⁸³ The LIO focused on violations in agriculture and discovered 405 children younger than age 18 working on 14 farms, including 245 children under the age of 16.³⁸⁸⁴ As a result, 40 children were removed from the worst forms of child labor. However, the LIO lacked the authority to penalize employers.³⁸⁸⁵

The Center for Combating Trafficking in Persons (CCTIP) is responsible for investigating child trafficking cases. CCTIP employs 40 police officers with an additional 43 officers at individual police stations who also specialize in enforcing the

Criminal Code.³⁸⁸⁶ CCTIP officers and prosecutors are trained on interviewing child victims of trafficking and exploitation. The CCTIP annual budget is approximately \$250,000.³⁸⁸⁷ In 2010, the Government opened 19 investigations on child trafficking. There were nine cases tried in the reporting period that resulted in three convictions and 16 child victims assisted.³⁸⁸⁸ The Ministry of Foreign Affairs and European Integration operates a call center to provide advisory and emergency assistance on issues related to trafficking.³⁸⁸⁹

Government Policies on the Worst Forms of Child Labor

In 2010, the Government approved a National Action Plan on the Prevention and Elimination of the Worst Forms of Child Labor for 2011-2015. The national action plan outlines 49 action items to be implemented by 30 stakeholders working on child labor issues.³⁸⁹⁰ The actions items include training key stakeholders on the prevention of the worst forms of child labor, institutionalizing a child labor monitoring system and developing public informational campaigns on child labor issues.³⁸⁹¹ The Ministry of Labor, Social Protection and Family is responsible for monitoring the implementation of the plan and the national steering committee will draft biannual progress reports.³⁸⁹²

In 2007 the Collective Convention on Elimination of Worst Forms of Child Labor was signed by the Government, the National Confederation of Employers, the Trade Unions Confederation and the Free Trade Union Confederation.³⁸⁹³ This agreement outlined actions aimed at eliminating the worst forms of child labor and included specific work activities and hazards prohibited to children such as underground work and work which exposes them to machinery, electric shock, extreme temperatures and chemical or biological agents.³⁸⁹⁴

The National Youth Strategy and its Plan of Action for 2009-2013 aim to facilitate youth employment, provide access to education, encourage youth participation in public life, build the capacity of

youth institutions and develop health and social protection services. The Government allocated \$24 million for the strategy's implementation.³⁸⁹⁵ The question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.

In December 2010 the National Plan for Prevention and Combating of Trafficking in Human Beings (2010-2011) was approved. This plan lays out specific actions to be taken to combat child trafficking including building capacity of those providing services to child victims, developing standards for child interviews and ensuring access to education for those most at risk.³⁸⁹⁶

Although education in native languages is legally mandated, there does not appear to be a policy in place to ensure overall compliance with the law.

Social Programs to Eliminate the Worst Forms of Child Labor

During 2010, the Government participated in a 4-year, USDOL-funded global project worth \$4 million that aimed to assist countries in establishing or implementing their national plans of action to eliminate the worst forms of child labor.³⁸⁹⁷ The project assisted in the drafting of the national action plan.³⁸⁹⁸ The project also worked with the Government to define the roles and responsibilities of key stakeholders in the fight against child labor as well as to develop a code of conduct for teachers and social workers with provisions on child labor.³⁸⁹⁹

In the spring of 2010, the Government organized a month-long awareness-raising campaign centered on World Day Against Child Labor. Activities included 41 information sessions on child labor presented to student athletes and orphans, a drawing competition, an educational stage play, and a soccer tournament.³⁹⁰⁰ These activities were a part of a 1-year, \$700,000 project funded by the Government of Germany to build the capacity of key institutions and increase outreach for the elimination of child labor in Eastern

Europe including Albania, Kosovo, Moldova, and Ukraine.³⁹⁰¹

The Government also participated in a project funded by the government of Norway to eliminate child labor in agriculture.³⁹⁰² This project ended in June 2010.³⁹⁰³ There is no evidence of other projects to address the worst forms of child labor in agriculture.

The National Referral System, implemented by the Ministry of Social Protection, Labor and Family in collaboration with the IOM, offers assistance to victims of trafficking and child labor. The program started in 2006 with five pilot regions and has expanded to 24 regions, two municipalities and one town.³⁹⁰⁴ The Government also participates in USDOS-funded programs to address human trafficking. These programs, with a total of \$1.17 million in funding, build capacity of local government officials and police to better investigate and try trafficking cases as well as strengthen victim identification and assistance.³⁹⁰⁵ One project supports the development of a monitoring system to assess the implementation of the National Referral System. Another works in the remote rural areas of secessionist

Transnistria to provide anti-trafficking training to health, education, judicial and law enforcement officials.³⁹⁰⁶

During the reporting period, national and local governments worked with civil society to conduct workshops for secondary school students on the topic of trafficking in persons prevention, domestic violence and interpersonal relationships. Peer-to-peer trainers trained 5,800 students and distributed brochures on trafficking.³⁹⁰⁷

The Government provides \$29 to children from vulnerable families to cover the cost of school supplies.³⁹⁰⁸ This program may increase education access and thereby decrease child labor, although there is no evidence that the impact of the program on child labor has been assessed.

While the Government of Moldova provides some financial support to programs addressing both child labor and trafficking, all major child labor programs have been donor funded. These programs do not appear to be sustainable without outside financial assistance.³⁹⁰⁹ The Government does not participate in programs designed to directly address child labor in street work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Moldova:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact laws to provide protections for children working on the streets.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Provide the LIO with the authority not only to remove children from the worst forms of child labor but also to levy fines against their employers.
- Monitor schools to ensure that children are not charged extra educational fees or required to participate in farm work during the harvest season.

IN THE AREA OF GOVERNMENT POLICIES:

- Assess the impact the National Youth Strategy and its Plan of Action for 2009-2013 may have on addressing the worst forms of child labor.
- Develop and implement a detailed action plan to provide native language education.

IN THE AREA OF SOCIAL PROGRAMS:

- Ensure current child labor programs are sustainable by providing increased financial support.
- Enact programs to prevent children's involvement in exploitative child labor in agriculture and street work.
- Increase school funding to ensure that children have access to mandated free education through age 16.

³⁸⁵⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁸⁵⁹ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para 1.1.

³⁸⁶⁰ U.S. Department of State, "Moldova," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7.d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>. See also U.S. Department of State, "Moldova," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7.d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

³⁸⁶¹ United Nations, *Common Country Assessment: Republic of Moldova*, Chisinau, July 2005, 37; available from http://www.un.md/key_doc_pub/doc/CCA_Eng_last.pdf.

³⁸⁶² *ibid.*, section 7.d. See also U.S. Department of State, "Moldova," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

³⁸⁶³ Vladimir Lozinski, *Lack of jobs in Moldova leaves children without parental care*, [October 17, 2006 2006 [cited April 25, 2011]; available from http://www.unicef.org/infobycountry/moldova_36200.html.

³⁸⁶⁴ U.S. Embassy- Chisinau, *reporting, February 3*, February 3, 2010, para. 39.

³⁸⁶⁵ Government of Moldova, *Labour Code of the Republic of Moldova*, N 154-XV from 28.03.2003, (2003), Article 46; available from <http://www.lexadin.nl/wlg/legis/nofr/oeur/arch/mol/labour.doc>.

³⁸⁶⁶ *Ibid.*, Article 46. See also Moldova Embassy- Washington official, E-mail communication to USDOL official, May 17, 2011.

³⁸⁶⁷ Moldova Embassy- Washington official, E-mail communication, May 17, 2011.

³⁸⁶⁸ Government of Moldova, *Constitution of the Republic of Moldova*, (1994), Articles 44 and 50; available from www.e-democracy.md/en/legislation/constitution. See also Moldova

Embassy- Washington official, E-mail communication, May 17, 2011.

³⁸⁶⁹ U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 4 and 5. See also Embassy of Moldova, *Submission to USDOL Representative*, July 19, 2009.

³⁸⁷⁰ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 2.3. See also Moldova Embassy- Washington official, E-mail communication, May 17, 2011.

³⁸⁷¹ Coalition to Stop the Use of Child Soldiers, "Moldova," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

³⁸⁷² Government of Moldova, *Law on Preventing and Combating Trafficking in Human Beings*, No. 241-XVI of 20 October 2005, (2005), Chapter IV; available from www.legislationline.org/topics/country14/topic/14.

³⁸⁷³ U.S. Embassy- Chisinau, *reporting, February 3, 2010*, para. 7-8.

³⁸⁷⁴ *Law of the Republic of Moldova on Education*, No.547, (July 21, 1995), Article 9; available from <http://www.cepes.ro/services/pdf/Moldova.pdf>. See also U.S. Department of State, "Country Reports- 2010: Moldova," section 6.

³⁸⁷⁵ *Law on Education*, Article 8.

³⁸⁷⁶ U.S. Department of State, "Country Reports- 2010: Moldova," section 6. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding observations: Republic of Moldova*, CRC/C/MDA/CP/3, Geneva, February 20, 2009, para. 62; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/408/12/PDF/G0940812.pdf?OpenElement>.

³⁸⁷⁷ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 2.1 and 3.1.

³⁸⁷⁸ *Ibid.*, para. 3.1.

³⁸⁷⁹ Centrul pentru Drepturile Omului din Moldova, *Report ENOC*, [[cited April 25, 2011]; available from www.ombudsman.md/md/act2509/.

³⁸⁸⁰ U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 6. See also, Embassy of Moldova, *Submission to USDOL Representative*.

³⁸⁸¹ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 4.5.

³⁸⁸² U.S. Embassy- Chisinau, *reporting, January 23, 2009*.

³⁸⁸³ Moldova Embassy- Washington official, E-mail communication, May 17, 2011.

³⁸⁸⁴ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 4.6 and 4.7.

³⁸⁸⁵ *Ibid.*, para. 4.8. See also U.S. Department of State, "Country Reports- 2010: Moldova," section 7.d.

³⁸⁸⁶ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 5.3.

³⁸⁸⁷ *Ibid.*, para. 5.4 and 5.5.

³⁸⁸⁸ *Ibid.*, para. 5.6 and 5.8.

³⁸⁸⁹ National Committee for Combating Trafficking in Persons, *2010 National Report on preventing and combating trafficking in persons in Moldova*.

³⁸⁹⁰ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para 6.1. See also Government of Moldova, *Draft National Action Plan on Prevention and Elimination of Most Severe Forms of Child Labor for Years 2011-2015*, 2011.

³⁸⁹¹ Government of Moldova, *Draft National Action Plan*, 2, 3, and 8.

³⁸⁹² U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 6.2.

³⁸⁹³ Moldova Embassy- Washington official, E-mail communication, May 17, 2011.

³⁸⁹⁴ Government of Moldova, *Collective convention on elimination of worst forms of child labour*, (2007), 3-5; available from http://www.un.md/un_ag_mol/ILO/Convention_engl_12%2007%2007.pdf.

³⁸⁹⁵ ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, August 24, 2009, 7.

³⁸⁹⁶ Government of Moldova, *Decision approving the Specific Additional National Plan for Prevention and Combating of Trafficking in Human Beings for the years 2010-2011*, No. 1170 of December 21, 2010, (2010), 2, 4, and 12.

³⁸⁹⁷ ILO-IPEC, *Project Development, Awareness Raising and Support for the Implementation of the Global Action Plan on the Elimination of the Worst Forms of Child Labour by 2016*, Technical Progress Report, Geneva, October 15, 2010, 1.

³⁸⁹⁸ Moldova Embassy- Washington official, E-mail communication, May 17, 2011.

³⁸⁹⁹ ILO-IPEC, *Project Development, Awareness Raising and Support for the Implementation of the Global Action Plan on the Elimination of the Worst Forms of Child Labour by 2016*, Technical Progress Report, 4. See also Moldova Embassy- Washington official, E-mail communication, May 17, 2011.

³⁹⁰⁰ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 7.4.

³⁹⁰¹ ILO-IPEC official, E-mail communication to USDOL official, April 27, 2011, 1 and 6.

³⁹⁰² U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para 7.1.

³⁹⁰³ U.S. Embassy - Chisinau official, E-mail communication to USDOL official, March 17, 2011.

³⁹⁰⁴ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 7.2.

³⁹⁰⁵ U.S. Department of State, *Anti-Trafficking Projects Awarded During Fiscal Years 2009 and 2010*, [online] 2010 [cited April 25, 2011]; available from www.state.gov/g/tip/rls/other/2010/149560.htm#eur.

³⁹⁰⁶ *Ibid.*

³⁹⁰⁷ National Committee for Combating Trafficking in Persons, *2010 National Report on preventing and combating trafficking in persons in Moldova*.

³⁹⁰⁸ U.S. Department of State, "Country Reports- 2010: Moldova," section 6.

³⁹⁰⁹ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 8.